

Law Offices

June 8, 2013

1500 K Street N. W.
Suite 1100
Washington, D.C.
20005-1209

(202) 842-8800
(202) 842-8465 fax
www.drinkerbiddle.com

By ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

RE: *Rates for Interstate Inmate Calling Services*
WC Docket No. 12-275

Dear Ms. Dortch:

Pursuant to Section 1.1206(b) of the FCC's rules, this notice is respectfully submitted to report a teleconference between undersigned counsel for Martha Wright, et al. (the "Petitioners") and Ms. Rebekah Goodhart, Legal Advisor to Chairwoman Mignon Clyburn on June 7, 2013.

The parties to the call discussed the status of the proceeding, and the undersigned counsel presented his views that:

1. the FCC has received sufficient data and related information from the parties seeking to have the FCC establish a benchmark rate of \$0.07 per minute, with no other charges or ancillary fees;
2. the opponents to this proposal failed to provide the detailed cost data and associated information specifically requested by the FCC,¹ and therefore, these parties may no longer - both reasonably and legally - object to the FCC's adoption of the Petitioners' proposal based on the information submitted into the record;
3. the FCC has clear statutory authority to adopt the proposal under Sections 201, 205 and 276 of the Communications Act, as amended;
4. the Petitioners agree with and support those arguments presented by parties in the record of this proceeding that the FCC has clear statutory authority under the Communications Act to also adopt benchmark rates for intrastate calls.

Should there be any questions regarding this submission, please contact undersigned counsel.

¹ See *Appendix A* (attached hereto) (excerpt from Petitioners' Reply Comments, filed April 22, 2013, pg. 8).

Respectfully submitted,



Lee G. Petro

Drinker Biddle & Reath LLP

1500 K Street N.W.

Suite 1100

Washington, DC 20005-1209

202-230-5857 – Telephone

202-842-8465 - Telecopier

Counsel for Martha Wright, et al.

Attachment

cc: Acting Chairwoman Mignon L. Clyburn (via email)
Rebekah Goodheart (via email)
Deena Shetler (via email)
Kalpak Gude (via email)
Pamela Arluk (via email)
Randolph Clarke (via email)
Lynne Engledow (via email)
Gregory Haledjian (via email)
Rhonda Lien (via email)

APPENDIX A

come from the ICS providers,²⁴ and repeatedly called for the submission of detailed, specific evidence from all parties.

For example, the FCC requested specific data and evidence on the following matters, most of which could only come from the ICS providers:

- what costs are associated with the per-call charge; ¶18
- what are costs associated with call security; ¶19
- support of or disproving per-minute rate caps are arbitrary and capricious; ¶21
- provide alternate methodologies supported by sufficiently-detailed data; ¶25
- what are current ratios of debit to collect calling in correctional facilities; ¶32
- updated data on how much these site commissions are and how much they add to the per-call costs; ¶37
- provide data on the average number of calls that are blocked per month and the reason for the blocking; ¶40
- updated data from all interested parties and the public, but especially from ICS providers; ¶43 (emphasis added)
- most up-to-date information available regarding interstate ICS rates to aid us in developing a clearer understanding of the ICS market. This includes per-call and per-minute rates, information on commissions and what percentage of a rate they comprise, the number of disconnected calls, the average length of calls, and how calls break out by type, i.e. collect, prepaid and debit; ¶43
- The ICS Provider Proposal also provides no information about the geographic distribution of facilities in the sample, the distribution between state prisons and local prisons (jails), and the distribution between public and privately administrated facilities. Information about these facilities characteristics would be relevant to analyzing whether the sample is representative; ¶44, nt. 148 and
- specific analysis and facts to support any claims of significant costs or benefits associated with the proposals herein. ¶48

Despite the clarity with which the FCC made these requests, almost all of the ICS providers elected not to provide specific data and evidence, and clearly articulated their lack of interest in responding to the FCC's direct call to do so.²⁵

²⁴ *NPRM*, 27 FCC Rcd at 16,645.